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Attorneys for Plaintiff  
YINTAO YU

**UNITED STATES DISTRICT COURT**  
**FOR THE NORTHERN DISTRICT OF CALIFORNIA**

YINTAO YU, an individual,  
  
Plaintiff,  
  
v.  
  
BYTEDANCE, INC., a Delaware  
Corporation; SHUYI (SELENE) GAO, an  
individual,  
  
Defendants.

BYTEDANCE, INC., a Delaware  
Corporation,  
  
Counterclaimant,  
  
v.  
  
YINTAO YU, an individual,  
  
Counter-Defendant.

Case No. 3:23-cv-04910-SI

**DECLARATION OF JAIME  
DORENBAUM IN SUPPORT OF  
PLAINTIFF'S ADMINISTRATIVE  
MOTION TO FILE UNDER SEAL  
DECLARATION AND PORTIONS OF  
BRIEF IN SUPPORT OF MOTION FOR  
LEAVE TO FILE MOTION FOR  
RECONSIDERATION OF ORDER RE:  
DISCOVERY (ECF NO. 78)**

*State Court Action Filed: September 5, 2023  
Removed: September 25, 2023  
Trial Date: November 18, 2024*

1 I, Jaime Dorenbaum, declare as follows:

2 1. I am one of the attorneys representing Plaintiff Yintao Yu (“Plaintiff”) in the above-  
3 captioned matter. I am admitted to practice law before this Court and all California Courts. I make  
4 this declaration in support of Plaintiff’s Administrative Motion to file under seal an exhibit, portions  
5 of a declaration, and portions of brief in support of motion for leave to file motion for  
6 reconsideration of order re: discovery (ECF No.78). I have personal knowledge of the matters stated  
7 herein and if called as a witness, I could and would competently testify to the following.

8 2. Plaintiff seeks to file a witness declaration from a former ByteDance employee  
9 (“Declaration of Anonymous”) that redacts that witness’ identity from the public record. Because  
10 the witness’ identity is not related to the merits of the case, Plaintiff need only satisfy the less  
11 exacting good cause standard. *Center for Auto Safety v. Chrysler Group, LLC*, 809 F.3d 1092, 1097  
12 (9th Cir. 2016).

13 3. “Good cause” exists to file this declaration under seal, at the request of the witness,  
14 because of his credible fear of retaliation against him and his family by the Chinese national police  
15 from the Ministry of Public Safety (“MPS”). *See Stallworth v. Brollini*, 288 F.R.D. 439, 444 (N.D.  
16 Cal. Dec. 21, 2012) (recognizing that district courts may refuse to compel disclose one’s personal  
17 information). As detailed in the witness’ declaration, the MPS has already retaliated against the  
18 witness for prior statements he made about ByteDance’s censorship practices. In that instance, the  
19 MPS detained the witness’ father because the witness criticized ByteDance’s censorship practices on  
20 TikTok. Thus, there is good cause to keep the witness’ identity confidential from the public record.

21 4. Plaintiff also seeks to redact the name of the witness described in paragraphs two and  
22 three above from the brief in support of his motion for leave. Good cause exists to redact the  
23 declarant’s name for the same reasons detailed in paragraphs two and three above.

24 5. Plaintiff also seeks to redact statements made by the anonymous whose identity was  
25 at issue in the discovery dispute, made to the mediator as confidential communications. Because the  
26 communications are not related to the merits of the case, Plaintiff need only satisfy the less exacting  
27 good cause standard. *Center for Auto Safety v. Chrysler Group, LLC*, 809 F.3d 1092, 1097 (9th Cir.  
28 2016). “Good cause” exists to protect the description of these communications in Plaintiff’s Motion

1 and the anonymous declaration to the mediator, which is attached as an exhibit to Plaintiff's  
2 declaration in support of the Motion. *See Folb v. Motion Picture Indus. Pension & Health Plans*, 16  
3 F. Supp. 2d 1164, 1180 (C.D. Cal. 1998) (recognizing a federal mediation privilege under which  
4 "communications to the mediator and communications between parties during the mediation are  
5 protected" as well as "communications in preparation for and during the course of a mediation with  
6 a neutral").

7 I declare under penalty of perjury under the laws of the United States of America that the  
8 foregoing is true and correct.

9  
10 DATED: May 21, 2024

11  
12 /s/ Jaime Dorenbaum

13 Jaime Dorenbaum  
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